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March 31, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

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Re: Dynamic composite advertisements for distribution via computer networks

US File # 20030023598

Filed: July 26, 2001

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20030023598

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system using a database containing advertisements maintained at the server level in cache or on disk (0020) in a client-server ad delivery system. This patent relates to displaying advertising by matching voluntary user actions such as using keywords, going to URLs or other actions used in a browser interface (0013) Entering a trigger event into a browser locator window then makes a match with data in the server controlled and updated database "repository" (0033) and in the event a match is made, an appropriate content or advertisement is displayed. This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

Server ad delivery systems and models were well known prior to 2001 and I will leave that to the Examiner to determine the validity of Claims related to the "server" aspects of this Application. However, in (0041), the inventor does an about face and now states, "some or all of the steps and components may be executed by the client browser computer. For example, the repositories could be stored "locally" in memory of the client computer, with the selection, merge, and display process being performed by client-side software such as a Java applet or browser plug-in. Other combinations of coordinated functions on both the server and the client browser computer can be adopted, as well, depending on the communications bandwidth available between the ad server and the client browser computer, processing and data storage capacities of the browser computer, and advertising technologies employed." In a later Application #20040059632, the Assigned Corp. finally got it right ... but years too late!

It is this movement of all the Claim functions from the server to the client that constitutes this Protest. If nothing else, the Application should be bifurcated as ad delivery from the server is much different technology than ad delivery at the client level. Prior art cited herein clearly describes and precedes ad delivery at the client level based on browser and voluntary user actions.

The abstract reads in part, "This allows a smaller database of advertisement data objects to be maintained, while producing advertisements which more closely match a consumer's characteristics."

Relevant Claims consist of any Claims that could be moved from the server level ad system to a client level ad system. The system is described in (0005) (0013) (0016) (0041) and others.

I am objecting to this patent Application as it is neither novel nor unique. It is of particular note that prior art submitted does not include references to systems that were commercially offered well before 2001. The filers are correct that a targeted system based on interactive actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

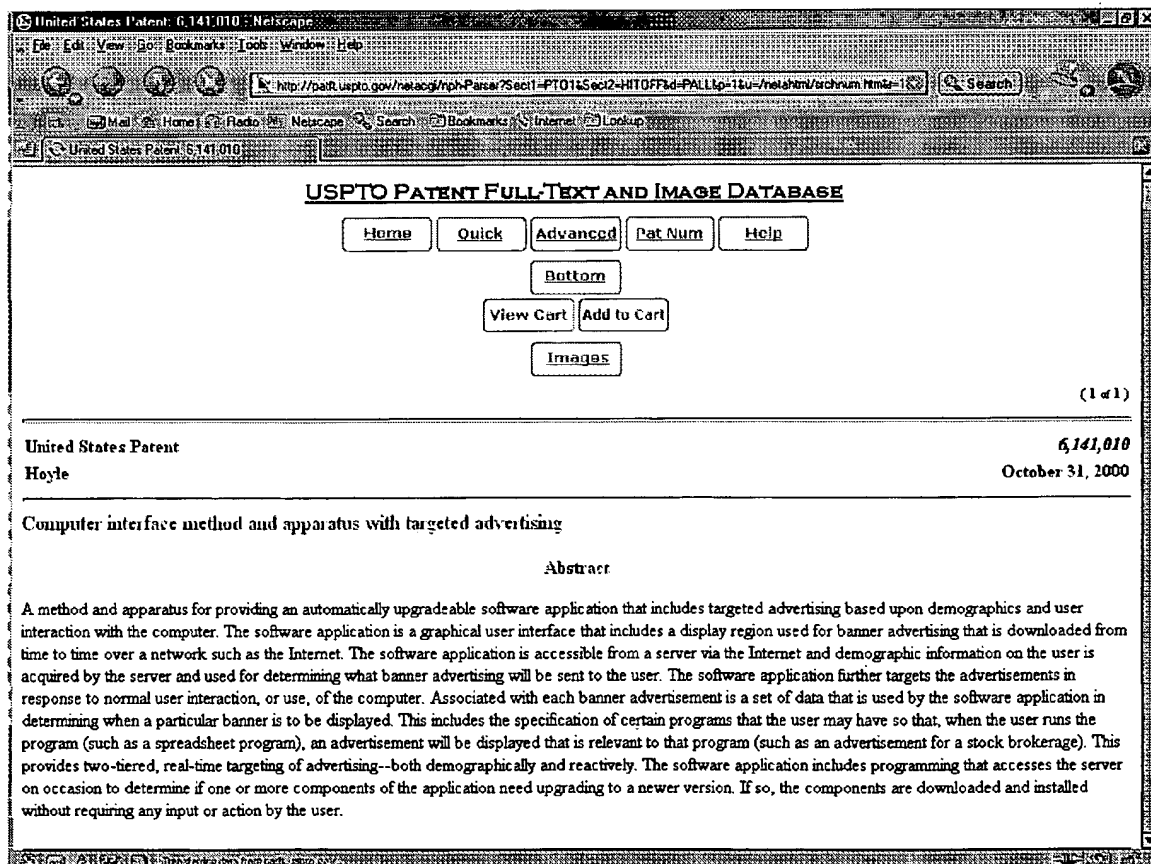
1. US Patent 6,141,010 ... equivalent technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998
3. WO9955066 (A1) or EP1076983 (A1) ... equivalent technology

There may be more prior art preceding the 7/26/2001 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.



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The screenshot shows a Netscape browser window displaying the Claria Corporation website. The browser's address bar shows the URL <http://www.claria.com/companyinfo/>. The website has a dark header with the "CLARIA" logo on the left and "CORPORATE OVERVIEW" on the right. A left-hand navigation menu lists several sections: "CORPORATE OVERVIEW", "ADVERTISE", "PRODUCTS & SERVICES", and "CONTACT US". The main content area is titled "Overview" and contains the following text:

■ Claria Corporation Overview
 Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 33 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

■ History
 Claria was founded in 1996 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K. and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Investor AB and Circulink Capital.

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TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD

Bibliographic data	Description	Claims	INPADOC LEGAL status
Patent number: CA2328913			Also published as: WO965066 (A1) EP1076963 (A1)
Publication date: 1999-10-29			
Inventor: ZETMEIR KARL D (US)			
Applicant: ZETMEIR KARL D (US)			
Classification:			
- international	H04M3/00		
- european			
Application number: CA1006232B919-10000414			
Priority number(s): US19980002041, 19980417, WO1999/008102, 19990414			

View INPADOC patent family

Abstract of CA2328913

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.

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